

## REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

The Office Action indicates in Section 1 that claims 1-69 have been examined. However, applicant notes that only claims 1-23 are pending. Claims 1-9 stand rejected under the doctrine of obviousness-type double patenting as being obvious over claims 1-6 of USP 5,638,443. A Terminal Disclaimer is filed herewith to overcome this rejection.

Claims 18-23 stand rejected based on 35 U.S.C. 101 as being directed to non-statutory subject matter. Independent claim 18 has been amended to recite the invention more clearly. In particular, claim 18, as amended, expressly recites that the content can be rendered by a rendering device and that the usage rights are interpretable by a repository to determine if access to the content should be granted. Applicant submits that the amendment to claim 18 obviates the rejection based on Section 101.

Claims 1-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,260,999 to Wyman, this rejection is respectfully traversed. Wyman is directed to use of filters in a license management system for distributing products in their entirety, but licensing the products in parts. (Wyman, col. 2:53-58). Specifically, Wyman discloses delivering CD-ROMs containing all of the software that is available for a system to a customer, then licensing only those parts the customer needs or wishes to pay fees for the rights to use. (Wyman, col. 2:54-58). However, Wyman does not disclose distribution of products with associated usage rights which specify the manner in which the distributed product can be used.

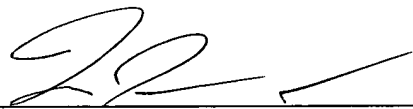
In other words, Wyman is a “go or no go” system in which program access is either permitted or prohibited. Further, Wyman does not disclose the digital work structure recited in the claims. The license portions are not associated with specific portions of the software. To more clearly recite the distinction between Wyman and the invention, the independent claims have been amended to recite that the grant determination is not only a Boolean operator for

filtering. Support for the claim amendments can be found throughout the original specification. Further, the Examiner has indicated, in connection with a related case, that the amended claim language distinguishes over Wyman.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

The Commissioner is hereby authorized to charge any fees connected with this filing which may be required now, or credit any overpayment to Deposit Account No. 19-2380 (Attorney Docket No. 111325-87).

Respectfully submitted,

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**MARKED UP VERSION OF CLAIMS SHOWING CHANGES MADE**

1. (Amended) A method for creating a composite digital work having usage rights, said method comprising:

a) creating a digital content portion of a composite digital work including a plurality of content parts; and

b) creating a description structure for said composite digital work, said description structure comprising a plurality of description blocks containing usage rights associated with at least a corresponding at least one of said content parts, said usage rights specifying a manner of use for the corresponding one of said content parts and being interpretable by a repository to determine if access to the digital content can be granted, said manner of use indicating one or more stated purposes for which the corresponding digital content portion can be at least one of used and distributed by an authorized user, and wherein the determination by the repository is not only a Boolean operator for filtering.

12. (Amended) A method for assigning usage rights to a composite digital having a content portion that includes a plurality of content parts that each correspond to an individual digital work, said method comprising:

a) creating a description structure for said composite digital work, said description structure comprising a plurality of description blocks that each correspond to a content part of the composite digital work;

b) storing usage rights associated with a corresponding at least one of said content parts in the description blocks, said usage rights specifying a manner of use for the corresponding one of said content parts and being interpretable by a repository to determine if access to the digital content can be granted, said manner of use indicating one or more stated purposes for which the corresponding digital content portion can be at least one of used and distributed by an authorized

user, and wherein the determination by the repository is not only a Boolean operator for filtering.

18. (Amended) A composite digital work having usage rights, said composite digital work comprising:

a digital content portion including a plurality of content parts configured to be interpreted by a rendering device; and

a description structure for said composite digital work, said description structure comprising a plurality of description blocks containing usage rights associated with at least a corresponding at least one of said content parts, said usage rights specifying a manner of use for the corresponding one of said content parts and being interpretable by a repository to determine if access to the digital content can be granted, said manner of use indicating one or more stated purposes for which the corresponding digital content portion can be at least one of used and distributed by an authorized user, and wherein the determination by the repository is not only a Boolean operator for filtering.